

## **REMARKS/ARGUMENTS**

### **1. Status of the claims**

Claim 34 is amended. Claims 1-33, 35-39 are canceled. Claims 40-55 are new. Accordingly, claims 34 and 40-55 are pending.

### **2. Support for the amendments**

The Applicant, as noted above, amended the paragraph beginning on page 8, line 18 through page 9, line 16 of the application. Specifically, the Applicant amended the publication numbers of two cited patent applications (page 9, line 9 and page 9, line 14). In both cases the Applicant had omitted "0/" from the publication number. No new matter has been introduced.

Applicant presents new claims 40-55. Support for these claims is located in the originally filed application on the following pages and lines: claim 40 (e.g.-page 12, lines 6-9); claims 41, 43 and 44 (e.g., page 8, lines 18-21); claim 42 (e.g., page 10, lines 6-7); claim 45 (e.g., page 9, line 20); claim 46 (e.g., page 9, lines 28-30); claim 47 (e.g., page 10, lines 23-25); claims 48, 50-52 (e.g., page 18, lines 25-30, page 19, line 1); claim 49 (e.g., page 19, line 30, page 20, line 1); claim 53 (e.g., page 19, line 23); claims 54 and 55 (e.g., page 12, lines 14-19). It should be recognized that the preceding list is not exhaustive but only presented as a convenience for the Examiner. No new matter has been added.

### **3. Claim Objections**

Claims 34-37 were objected to for embracing non-elected subject matter. Claims 35-37 are canceled. Claim 34, as amended, recites a delivery vehicle comprising a diagnostic agent. Moreover, claim 34 has been amended to remove the symbols "(" and ")" that the Examiner argued were confusing. Accordingly, Applicants respectfully request withdrawal of the objection.

**4. Rejections under 35 U.S.C. § 112, first paragraph**

On page 3 of the Office Action, the Examiner rejected claims 34-37 for "failing to comply with the enablement requirement." The rejection appears to be based in part on the alleged difficulties of using any viral vector. While Applicant disputes the rejection, as amended the claims are directed to delivery vehicles that are adenoviruses. As such, Applicants have overcome the rejection. Applicant expressly reserves the right to pursue the original claims in a related application.

Accordingly, Applicants respectfully request withdrawal of the rejection.

**5. Rejections under 35 U.S.C. § 112, second paragraph**

The Examiner rejected claims 34-37, under 35 U.S.C. § 112, second paragraph as allegedly incomplete for omitting elements. Specifically, the Examiner states that "the preamble of the claims requires delivering a diagnostic agent to a target cell, however the body of the claim does not include the diagnostic agent in the targeted complex comprising a delivery vehicle. Thus, the body of the claims does not complete the preamble of the claims." *See* Office Action, page 6.

Claim 34, as amended, includes the added phrase "diagnostic agent in the targeting complex comprising a delivery vehicle." Accordingly, Applicants respectfully request withdrawal of the rejection.

Appl. No. 10/646,060  
Amdt. dated July 7, 2006  
Reply to Office Action of January 9, 2006

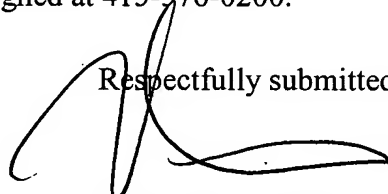
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CONCLUSION

In view of the foregoing, Applicants believe all claims now pending in this Application are in condition for allowance. The issuance of a formal Notice of Allowance at an early date is respectfully requested.

If the Examiner believes a telephone conference would expedite prosecution of this application, please telephone the undersigned at 415-576-0200.

Respectfully submitted,

A handwritten signature in black ink, appearing to be 'Matthew E. Hinsch', written over the typed name.

Matthew E. Hinsch  
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